



City of Carmel

MINUTES

Carmel Board of Zoning Appeals

Regular Meeting

Monday, October 26, 2009

6:00 pm

Council Chambers

Present: James Hawkins, President
Kent Broach
Leo Dierckman
Earlene Plavchak
Rick Ripma, Alternate
Connie Tingley, Recording Secretary

Staff members in attendance: Mike Hollibaugh, DOCS Director
Christine Barton-Holmes, Planning Administrator

Legal Counsel: John Molitor

Previous Minutes:

One a motion made by Kent Broach and seconded by James Hawkins:

The minutes for the meeting dated September 28, 2009 were approved as circulated.

MOTION CARRIED UNANIMOUSLY

Department Report: Christine Barton-Holmes

- Items 9-10h, MG Hair Design-signage tabled until November 23
- Item 11h, Meridian & Main tabled until December 21
- Item 1i, 646 Johnson Drive Appeal tabled indefinitely

Legal Report: John Molitor

- Recommended Executive Session for next month to discuss pending litigation

Public Hearing:

1h. College Park Modular Classrooms

The applicant seeks the following special use amendment approval:

Docket No. 09090022 SUA Appendix A: Use Table Up to 4 temporary modular classrooms

The site is located at 2606 West 96th Street and is zoned S1/Single-family residential.

Present for Petitioner:

Mitch Peterson, College Park Church Administrator

- Growth spurt in attendance and membership
- Current facility maxed out
- Feasibility study of potential building expansion to north and west of current building

- Need 2 additional modular classrooms to increase Sunday morning space for adult education
- Current modulars approved in 2006
 - Used for Junior High ministry
- New modulars set back with landscape buffering
 - Renderings shown
 - 30 feet from existing structure
 - Picture shown

Favorable:

Christine Altman, attorney representing McElroy property at 2350 W. 96th Street

- No objection to 24-month temporary use of modulars

Rabbi Grossbaum, Lubavitch Congregation

- Congregation supports project

Public Hearing closed

Department Report:

Christine Barton-Holmes

- Two modular classrooms would match existing modulars
- Request would extend use of existing modulars
- Construction staging area located at rear of building
- Site heavily wooded and set back from road
- Landscape screening
- Recommend limit to 24 months

Department recommended positive consideration.

Discussion:

- Location of modulars 30 feet from existing building

Motion: On a motion made by James Hawkins and seconded by Leo Dierckman:

Docket No. 09090022 SUA, College Park Modular Classrooms be approved for a period of 24 months.

MOTION APPROVED UNANIMOUSLY

2-7h. Guilford Commons Townhomes

The applicant seeks the following development standards variance approvals:

Docket No. 09090003 V Section 18.04.03	Reduction of minimum side yard
Docket No. 09090005 V Section 18.04.04	Reduction of aggregate side yard
Docket No. 09090006 V Section 18.04.05	Reduction of rear yard
Docket No. 09090007 V Section 18.04.06	Reduction of lot width
Docket No. 09090008 V Section 18.04.07	Reduction of minimum lot size
Docket No. 09090009 V Section 18.04.09	Increase in maximum lot coverage

The site is located at 531 Guilford Road and is zoned B7/Commercial.

Filed by Jon Dobosiewicz of Nelson & Frankenberger and Justin Moffett for Guilford Commons, LLC.

Present for Petitioner:

Jim Shinaver and Jon Dobosiewicz, Nelson & Frankenberger; Justin Moffett, Guilford Commons

- Aerial shown of area
- Formerly approved by Plan Commission as Guilford Patio Homes
 - Will contain 40 duplex and triplex units
 - Intended as condominium community/horizontal property regime
- Site prepared; first model built
- Originally to be sold as condominium units under HPR rules
 - With current economy, difficult for buyers to obtain condominium mortgages
- Plan Commission approved platting as individual lots
- Need the six variances to plat as individual lots
- Site plan shown with layout of development as 40 individual lots
- Photographs of four sides of model home shown
- No outstanding issues with Engineering or Urban Forestry

Public Hearing closed

Department Report:

Christine Barton-Holmes

- Condos own only unit; townhomes own small amount of land around unit
- Large differences between setback requirements and lot coverage
- Three-season rooms added to back of several units
- Requests essentially same as two years ago
- Petitioner has worked with Departments regarding changes

The Department recommended positive consideration

Discussion:

- Difficult to finance a condo
- Because of price range, does not qualify for FHA financing
- Without variances difficult to finance homes
 - Changes down payment requirement
 - Changes approval process
- Zero maintenance community
 - Landscape improvements with changes
 - Homeowners Association responsible for maintenance

Motion: On a motion made by James Hawkins and seconded by Leo Dierckman:

Docket Nos. 09090003 V through 09090009 V, Guilford Commons Townhomes be approved.

MOTION APPROVED UNANIMOUSLY

8h. Salsbery Brothers Landscaping

The applicant seeks the following use variance approval:

Docket No. 09090001 UV Appendix A Retail uses in the R1 District.

The site is located at 4317 East 146th Street and is zoned R1/Single-family residential.

Filed by E. Davis Coots for Salsbery Brothers Landscaping.

Present for Petitioner:

Dave Coots, Coots, Henke & Wheeler; Jeff Salsbery, Salsbery Brothers Landscaping

- Original Use Variance (UV) approved in 1984 for 5-acre plant nursery/landscape business
- 1994 acquired 2 acres with farm house and barn
 - Received UV approval
 - Used for design center/studio and offices
- Improved premises
 - House restored
 - Barn updated for sales office
 - Seasonal sales
- Entire 10-acre tract needs to be in compliance
- Amended legal description to incorporate entire 10-acre parcel
 - Use Variance would extend to entire parcel

Public Hearing closed

Department Report:

Christine Barton-Holmes

- Character of 146th Street changed since previous two variances
 - Widened to major thoroughfare
 - Number of light commercial and office uses
- Retail use appropriate for site

Department recommended positive consideration

Discussion:

- Previous variances allowed private landscaping business in residential district
- Excluded any public retail sales
- Variance allows sales to public

Motion: On a motion made by Kent Broach and seconded by Leo Dierckman:

Docket No. 09090001 UV, Salsbery Brothers Landscaping be approved.

MOTION APPROVED UNANIMOUSLY

9-10h. MG Hair Design – Signage TABLED UNTIL NOVEMBER 23

The applicant seeks the following development standards variance approvals:

Docket No. 09070018V 25.07.02-09 (b) Number of signs

Docket No. 09070019V 25.07.02-09 (b) Sign not facing a ROW (south)

The site is located at 13190 Hazel Dell Parkway. It is zoned B-3/Business.

Filed by Dave Coots of Coots, Henke and Wheeler for Marie Green of MG Hair Design.

11h. Meridian & Main TABLED UNTIL DECEMBER 21

The applicant seeks the following development standards variance approvals and use variance approval:

Docket No. 09050012 V 23B.08.03.A.1 Building height under 26'/one occupiable floor

The site is located at 1440 Main Street West and is zoned B6 within the US 31 Overlay.

Filed by Joseph Scimia of Baker & Daniels and James Browning of Browning Investments for Meridian 131, LLC.

Old Business

1i. 646 Johnson Drive Appeal TABLED INDEFINITELY

The applicant seeks the following permit issuance appeal:

~~Docket No. 09020014 Appeal~~ ~~Appeal of Permit No. 09010003~~ ~~Accessory Structure Size~~

~~The site is located at 646 Johnson Drive and is zoned R1/Single-family residential~~

~~Filed by: Howard & Holly Green; John & Beryl Colosimo; James & Laura Dunn; Judy Wagner; and Michael & Susan Shaw, neighbors.~~

Adjournment

Motion: On a motion made by Earlene Plavchak and seconded by James Hawkins:

The Meeting be adjourned.

MOTION CARRIED UNANIMOUSLY

The meeting adjourned at 6:40 PM.

Approved this 23 day of November 20 09.



President - James R. Hawkins



Secretary - Connie Tingley